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The situation in the Middle East

Question of Palestine

Letter dated 26 October 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

In follow-up of my letter, dated 10 August 2011, contained in document A/65/929-S/2011/513, regarding the very serious issue of the continued destruction of Ma'man Allah (Mamilla) Cemetery in Jerusalem by the Israeli Government, I have the honour to transmit a statement issued on 20 October 2011 by the Center for Constitutional Rights, entitled "Archaeologists Worldwide Urge Halt to 'Museum of Tolerance' Construction on Ancient Muslim Cemetery" (see annex).

I kindly request that the text of the present letter and its annex be circulated as a document of the General Assembly, under agenda items 36 and 37.

(*Signed*) Riyad **Mansour**
Ambassador, Permanent Observer

* Reissued for technical reasons on 14 November 2011.

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Annex to the letter dated 26 October 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General

Archaeologists Worldwide Urge Halt to "Museum of Tolerance" Construction on Ancient Muslim Cemetery

Leading Archaeologists Appeal to Simon Wiesenthal Center Board, Mayor of Jerusalem, and Head of Israeli Antiquities Authority to Halt Destruction of Mamilla

October 20, 2011, New York; Jerusalem – In a letter submitted today, 82 leading archaeologists worldwide, with support from the Center for Constitutional Rights (CCR) and the Campaign to Preserve Mamilla Jerusalem Cemetery, urged Board Members of the Simon Wiesenthal Center, the mayor of Jerusalem, Mr. Nir Barkat, and the Head of the Israeli Antiquities Authority (IAA) to immediately halt current and future construction of the "Museum of Tolerance" on the site of Mamilla, a historically renowned Muslim cemetery. This plea comes as the Israeli architects commissioned to build the museum are threatening to resign from the project, as did Frank Gehry before them. The appeal is added to those of a growing number of cultural preservation and rights groups who have vocally opposed the project since 2010. Over this time, CCR has acted as legal counsel in appeals to the UN High Commissioner for Human Rights, the UN Special Rapporteurs on Religion and Racial Discrimination, the Independent Expert on Cultural Rights, and the UN Educational, Scientific, and Cultural Organization (UNESCO) to halt construction of the museum.

In their letter the archaeologists cite international ethics rules, as well as Israeli laws that were circumvented during the excavation of the Mamilla cemetery with the discovery of hundreds of Muslim burials, such as the 1978 Antiquities Act, which prohibits excavation in areas known to be burial sites, and 1994 regulations mandating that human remains be turned over to the Ministry of Religious Affairs for reburial. IAA policy also requires thorough recording of burial excavations, and the IAA has guidelines for the treatment of human remains.

In addition, the letter details an affidavit from the museums site's IAA Chief Excavator, Gideon Suleimani, which states "[S]ignificant archaeological transgressions that go to the heart of ethical issues in the archaeology profession took place on the Museum site. ...SWC knew that the site was full of human remains[;] SWC hurried the excavations, resulting in poor archaeological practices[;] SWC and the IAA misrepresented the extent of human remains present on the site and the status of the excavations to the Israeli Supreme Court[; and] the treatment of the Muslim burial site would not have occurred with a Jewish burial site."

Said Tel Aviv University archaeologist Raphael Greenberg, "The case of Mamilla is a travesty of archaeological ethics. Mamilla Cemetery should be preserved as a demonstration of respect for Jerusalem's shared heritage." Said Yale University archaeology Professor Harvey Weiss, "The bulldozing of historic cemeteries is the ultimate act of territorial aggrandizement: the erasure of prior residents. Desecration of Jerusalem's Mamilla cemetery is a continuing cultural and historical tragedy."

The archaeologists conclude with a final appeal: in the same manner that SWC has demanded respect for Jewish cemeteries all over the world and urged their preservation, action must be taken now to halt the destruction of the Mamilla cemetery. This is an important archaeological and cultural site and its preservation would exemplify the very commitment to tolerance and human dignity the "Museum of Tolerance" is meant to promote. To honor this commitment, the addressees ought to ensure a definite halt to construction on this cultural heritage site and respect it as an integral part of the Jewish, Christian and Muslim history of the Holy Land.

CCR Senior Staff Attorney Maria LaHood stated, "The Mamilla cemetery case signifies disregard for Palestinian cultural heritage, holy sites and human rights, just like the more recent vandalism and desecration of Muslim and Christian cemeteries in Jaffa and in northern Israel. Israeli President Shimon Peres said that those acts of desecration were 'contrary to the moral values of Israeli society'. According to the most recent reports, this wave of vandalism has now hit Mamilla, where 15 headstones were defaced and damaged a few days ago. Yet Israel remains silent about the shocking treatment of Mamilla cemetery and the thousands of human remains uncovered there."

The letter with the signatories is available here. Signatories to the letter include noted archaeologists from around the world such as Graeme Barker and J. Nicholas Postgate of Cambridge University, Susan E. Alcock of Brown University, Harvey Weiss of Yale University, Raphael Greenberg of Tel Aviv University and McGuire Gibson of the University of Chicago.

For more information on the Petition to halt the destruction of the Mamilla Cemetery in Jerusalem, visit CCR's case page and the Mamilla Campaign website.

The Center for Constitutional Rights is dedicated to advancing and protecting the rights guaranteed by the United States Constitution and the Universal Declaration of Human Rights. Founded in 1966 by attorneys who represented civil rights movements in the South, CCR is a non-profit legal and educational organization committed to the creative use of law as a positive force for social change.